

**RULES OF PRACTICE & PROCEDURE  
BEFORE THE LA WORKERS'  
COMPENSATION  
SECOND INJURY BOARD**

SECTION 101. **AUTHORITY.** These Rules of Practice and Procedure are promulgated by the authority of R.S. 49:951 et seq., as amended, being the Louisiana Administrative Procedure Act.

Authority Note: Promulgated in accordance with R.S.49:951.

Historical Note: Promulgated by the Department of Employment and Training,  
Office of Workers' Compensation, Second Injury Board,  
LR1:145 (February, 1975), amended LR3:48 (January, 1977),  
LR3:497 (December, 1977), LR17: (February, 1991)

**SECTION 103. DOMICILE OF BOARD, TIME OF MEETING SPECIAL MEETINGS.** The Board shall be domiciled in Baton Rouge, Louisiana. It shall hold it's regular meeting on the first Thursday of each month. Special meetings may be called upon giving three days, advance notice thereof.

Authority Note: Promulgated in accordance with R.S. 23:1372.

Historical Note: Promulgated by the Department of Employment and Training,  
Office of Workers' Compensation, Second Injury Board,  
LR1:145 (February, 1975), amended LR3:48 (January, 1977),  
LR3:497 (December, 1977), LR17: (February, 1991)

SECTION 105. **DEFINITIONS.** By reference, all of the definitions set forth and contained in R.S. 49:951 through 49:966, inclusive, are incorporated herein, and For the purpose of hearings to be held hereunder, the following definitions shall prevail:

- (a) "Board" shall mean the Louisiana Workers' Compensation Second Injury Board;
- (b) "Hearing" shall mean a hearing called by the Board under the authority of R.S. 23:1378, Subsection C;
- (c) "Hearing Officer" shall be the Chairman or Vice Chairman or any other person determined by the Board to be qualified to conduct hearings on it's behalf;
- (d) "Applicant" shall mean the employer or insurer making claim for reimbursement from the Workers' Compensation Second Injury Fund;
- (e) "Insurer" shall mean the Workers' Compensation insurance carrier of an employer.

Authority Note: Promulgated in accordance with R.S.23:1376.

Historical Note: Promulgated by the Department of Employment & Training,  
Office of Workers' Compensation, Second Injury Board, LR1:145  
(February, 1975), amended LR3:48 (January, 1977), LR3:497  
(December, 1977), LR17: (February, 1991)

**SECTION 107. PRESENTATION OF CLAIM FOR REIMBURSEMENT FROM SECOND INJURY FUND TIMELY FILING THEREOF.** Within one year after the first payment of any compensation or medical benefits, the employer or his insurer, whichever of them makes the payments or becomes liable therefor, shall notify the Board in writing, of such facts and furnish such other information as may be required for the Board to determine if the employer or his insurer is entitled to reimbursement from the Workers' Compensation Second Injury Fund. No employer, insurer, servicing agent or self-insured association shall be reimbursed unless the Board is notified within one year from the date of the first payment of any compensation or medical benefits.

Authority Note: Promulgated in accordance with R.S. 23:1376.

Historical Note: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, Second Injury Board, LR1:46 (February, 1975), amended LR3:49 (January, 1977), LR3:49 (December, 1977), LR17:(February, 1991).

**SECTION 109. DISPOSITION OF CLAIM.** The Board shall conduct such investigations, order such hearings and take such other actions as it finds necessary to make an intelligent decision on the claim. At least thirty (30) days prior to the date of the Board meeting at which a decision on the claim is to be made, all interested parties shall be notified of the following:

- (1) The date, time, place and purpose of, the meeting;
- (2) That a formal hearing on the claim pursuant to the provisions of R.S. 49:955, may be requested provided such request is made in writing and is received in the office of the Board at least ten (10) days prior to the date of said meeting;
- (3) That unless a formal hearing is requested as provided in (2) above, the Board will render its decision on the claim at said meeting.

Where no hearing is requested, the Board shall issue a written decision as soon after said meeting as the facts and circumstances will allow. Parties shall be notified by mail of such decision.

Authority Note: Promulgated in accordance with R.S. 23:1376.

Historical Note: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, Second Injury Board, LR1:46 (February, 1975), amended LR3:49 (January, 1977), LR3:49 (December, 1977), LR17:(February, 1991).

**SECTION 111. COMMENCEMENT OF HEARINGS.** As authorized by R.S. 23:1378C and these Rules of Practice and Procedure, hearings may be instituted by the Board on timely request by the applicant or, at any time, on the Board's own motion. No request by the applicant for a hearing shall be effective unless it is made in writing and received in the office of the Board at least ten (10) days prior to the date of the Board meeting at which a decision on the claim is to be made as set forth in Section 5 above.

Authority Note: Promulgated in accordance with R.S. 23:1376.

Historical Note: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, Second Injury Board, LRI:46 (February, 1975), amended LR3:49 (January, 1977), LR3:49 (December, 1977), LR17:(February, 1991).

**SECTION 115. NOTICE.** The Board shall notify the applicant at least fifteen (15) days prior to the hearing and such notice shall conform to the requirements of R.S. 49:955.

Authority Note: Promulgated in accordance with R.S. 23:1376.

Historical Note: Promulgated by the Department of Employment and Training, Office of workers' Compensation, Second Injury Board, LRI:46 (February, 1975), amended LR3:49 (January, 1977), LR3:49 (December, 1977), LR17:(February, 1991).

**SECTION 117. ANSWER OR APPEARANCE.** The applicant may file an answer or otherwise make an appearance on or before the date fixed for the hearing.

Authority Note: Promulgated in accordance with R.S. 23:1376.

Historical Note: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, Second Injury Board, LRI:46 (February, 1975), amended LR3:49 (January, (1977), LR3:49 (December, 1977), LR17: (February, 1991).

**SECTION 119. LEAVE TO INTERVENE NECESSARY.** Persons, other than the original parties to any proceedings, whose interests are to be directly and immediately affected by the proceedings, shall secure an order from the Board or Hearing Officer appointed by it granting leave to intervene before being allowed to participate; provided that the granting of leave to intervene in any matter or proceeding shall not be construed to be a finding or determination of the Board or Hearing Officer for purposes of court review or appeal. Petitions for leave to intervene must be in writing and must clearly identify the proceeding in which it is sought to intervene. Such petition must set forth the name and address of the petitioner and contain a clear and concise statement of the direct and immediate interest of the petitioner in such proceedings, stating the manner in which such petitioner will be affected by such proceedings, outlining the matters and things relied upon by such petitioner as a basis for his request to intervene in such cause, and, if affirmative relief is sought, the petition must contain a clear and concise statement of relief sought and the basis thereof, together with a statement as to the nature and quality of evidence petitioner will present if such petition is granted.

Petitions to intervene and proof of service of copies thereof on all other parties of record shall be filed not less than two (2) days prior to the commencement of the hearing. Thereafter, such petition shall state a substantial reason for such delay; otherwise, such petition will not be considered.

If a petition to intervene shows direct and immediate interest in the subject matter of the proceeding or any part thereof and does not unduly broaden the issues, the Board may grant leave to intervene or otherwise appear in the proceeding with respect to the matters set out in the intervening petition, subject

to such reasonable conditions as may be prescribed. If it appears during Me course of a proceeding that an intervenor has no direct or immediate interest in the proceeding, and the public interest does not require his participation therein, the Board may dismiss him from Me proceeding.

Authority Note: Promulgated in accordance with R.S.23:1376.

Historical Note: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, Second Injury Board, LRI:46 (February, 1975), amended LR3:49 (January, 1977), LR3:49 (December, 1977), LR17: (February, 1991).

**SECTION 121. DEFAULT IN ANSWERING OR APPEARING.** In the event of the Failure of any respondent to answer or otherwise appear within the time allowed, and provided that Me foregoing rules as to service have been complied with, the respondent or respondents so failing to answer or otherwise plead to or to appear, shall be deemed to be in default, ,and the allegations of the complaint, petition or order to show cause, as the case may be, together with the evidence to support the same, shall be entered into the record and may be taken as true and the order of the Board entered accordingly.

Authority Note: Promulgated in accordance with R.S.23:1376.

Historical Note: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, Second Injury Board, LRI:46 (February, 1975), amended LR3:49 (January, 1977), LR3:49 (December, 1977), LR17: (February, 1991).

**SECTION 123. HEARING PROCEDURE.** Hearing held under these rules and regulations shall be conducted by Me Board, or by it's designated Hearing Officer, in accordance with the rules and procedures set forth in R.S. 49:956:

- (a) The Chairman of the Board or the Vice Chairman in the absence of the Chairman or the Hearing Officer assigned to the matter shall announce the title and docket number of the proceedings before the Board and direct a reading into the record of the notice of hearing together with the written appearances of the applicant and shall note the subpoenas issued and returns thereon. Attorneys and/or other representatives of the applicant shall be recognized along with the representatives of the Board and other proper parties.
- (b) The applicant shall then present his evidence subject to cross examination by the Board and other proper parties in those cases where the applicant requested the hearing be held.
- (c) The Board shall then present it's evidence subject to cross examination by the applicant and other proper parties.
- (d) Where the Board has called the hearing on it's own motion, the order of presentation of evidence shall be reversed.

(e) The Board may make an informal disposition of the case by stipulation, agreed settlement, consent order or default.

(F) The Board shall render it's final decision and order in accordance with R.S. 49:958.

Authority Note: Promulgated in accordance with R.S. 23:1376.

Historical Note: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, Second Injury Board, LR1:46 (February, 1975), amended LR3:49 (January, 1977), LR3:49 (December, 1977), LR17: (February, 1991).

**SECTION 125. FINALITY OF BOARD'S DECISION.** The decision of the Board shall be final.

Authority Note: Promulgated in accordance with R.S. 23:1376.

Historical Note: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, Second Injury Board, LRI:46 (February, 1975), amended LR3:49 (January, 1977), LR3:49 (December, 1977), LR17: (February, 1991).

**SECTION 127. APPEAL.** An appeal from an adverse final decision of the Board, as to liability under the act or the amount of such liability or both, may be taken by the aggrieved party provided such appeal is filed, pursuant to the provisions of R.S. 23:1378E, within thirty (30) days after the date shown on the written notice of said final decision.

Authority Note: Promulgated in accordance with R.S. 23:1376.

Historical Note: Promulgated by the Department of Employment and Training Office of Workers' Compensation, Second Injury Board, LRI:46 (February, 1975), amended LR3:49 (January, 1977), LR3:49 (December, 1977), LR17: (February, 1991).

**SECTION 129. STENOGRAPHIC RECORD OF HEARING.** At the expense of and at the written request made not less than five (5) days prior to the date Set for the hearing by any person affected by the hearing, the Board or the person designated by it to mold the hearing Shall cause a full stenographic record of the proceedings to be made by a competent stenographic reporter and, if transcribed, such records shall be made a part of the record of the Board of the hearing.

Authority Note: Promulgated in accordance with R.S. 23:1376.

Historical Note: Promulgated by the Department of Employment and Training, Office of Workers' Compensation, Second Injury Board, LR1:46 (February, 1975), amended LR3:49 (January, 1977), LR3:49 (December, 1977), LR17: (February, 1991).

**SECTION 131. DOCKET.** When a nearing is instituted, it shall be assigned a number and entered with the date of it's filing on a separate page of docket provided for such purpose. The Board shall establish a separate file for each such docketed case, in which shall be systematically placed all papers, pleadings, documents, transcripts, evidence and exhibits pertaining thereto, and all such items shall have noted thereon the docket number assigned and the date of filing.

Authority Note:           Promulgated in accordance with R.S.  
                              23:1376.

Historical Note:          Promulgated by the Department of Employment and Training,  
                              Office of Workers' Compensation, Second Injury Board, LR1:46  
                              (February, 1975), amended LR3:49 (January,  
                              1977), LR3:49 (December, 1977), LR17: (February, 1991).